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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,316	12/18/2001	Cora Alisuag	COR-001-US	8207
29896	7590	02/23/2006	EXAMINER	
KURT L. VAN VOORHIES, PH.D., P.E., P.C. P.O. BOX 68 DETOUR VILLAGE, MI 49725			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,316

Applicant(s)

ALISUAG, CORA

Examiner

Thong H. Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/02</u> | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-43 are pending.
2. This application claimed the priority of 12/19/2000.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

A. the claimed invention is directed to non-statutory subject matter.

(i.e.: "providing for" does not establish a concrete, tangible results. Examiner can not perform an undue experiment where and how the server provides the passcode to the first client to perform the reading data on a removable memory and How the first and second client enable the communication and what device provides the communication between the removable memory and client1, client 2.

B. the claimed invention lacks patentable utility. (i.e.: a client computer system).

C. the disclosed invention is inoperative and therefore lacks utility. (i.e.: a client computer system).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-43 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling : "The client computer system" and "client1 provides passkey to client2 via separate communication link" are critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claims 1-43 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. "client1 provides passkey to client2 via separate communication link", step 218, Fig-2, is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-43 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Walker et al [Walker, 6,597,770 B2].

5. As per claim 1, Walker discloses A method of providing for a server on a computer [Walker, a server computer 30, Fig 2], comprising

a. providing for communicating with a first client, wherein said first client performs a method comprising:

i. providing for reading a portable memory element [Walker, credit card, col 6 lines 20-31];

ii. providing for obtaining passcode (i.e.: id and password) information necessary to access data from said portable memory element [Walker, user identifier, col 7 lines 40-52]; and

iii. providing for authenticating said passcode information [Walker, authorized code, col 7 lines 53-62];

b. providing for providing a first passkey (i.e.: key that secures entrance everywhere, a skeleton key) to said first client if said passcode information is authentic for said portable memory element [Walker, an ID that identifies a credit card, col 4 lines 1-10];

c. providing for communicating with at least one second client [Walker, abstract];

d. providing for receiving a second passkey from said at least one second client [Walker, a second person with a credit card, col 13 lines 39-42]; and

e. providing for enabling said at least one second client to communicate with said first client if said second passkey corresponds to said first passkey [Walker, abstract].

6. As per claim 2 Walker discloses the operation of providing for communicating with a first client comprises providing for encrypting signals that are sent to said first client, and decrypting signals that are received from said first client [Walker, encoded, col 8 lines 33-39].

7. As per claim 3 Walker discloses said portable memory element comprises a memory card, a flash memory card or a SmartCard [Walker, credit card, col 6 lines 20-31].

8. As per claim 4 Walker discloses said data comprises medical information of a person who is capable of providing said passcode information necessary to access data from said portable memory element [Walker, medical card, col 11 lines 46-60].

9. As per claim 5 Walker discloses said passcode information comprises at least one fingerprint of a person associated with said portable memory element as an inherent feature of user identifier.

10. As per claim 6 Walker discloses said passcode information comprises either alphanumeric information or biometric information provided by a person associated with

said portable memory element [Walker, health club card, col 11 lines 46-60].

11. As per claim 7 Walker discloses said first client is mobile as inherent features of telecom devices [Walker, Fig 2].

12. As per claim 8 Walker discloses providing for enabling said first client either to read information from, or to record information to, said portable memory device if said passcode information is authentic for said portable memory element [Walker, reading field, 10 lines 37-42].

13. As per claim 9 Walker discloses said information from said first client comprises voice information, data from a medical instrument, data from a keyboard or keypad, or handwritten data [Walker, an interactive voice response unit, col 4 lines 30-43; medical card, col 11 lines 46-60; multimedia, col 5 lines 1-17].

14. As per claim 10 Walker discloses identifying a level of authority of said first client, and controlling access to said data responsive to said level of authority [Walker, authorized code, col 7 lines 53-62].

15. As per claim 11 Walker discloses providing for a first user associated with said first client to provide said first passkey to at least one second user associated with at least one second client so that said at least one second user can provide said second

passkey that corresponds to said first passkey [Walker, an ID that identifies a credit card, col 4 lines 1-10].

16. As per claim 12 Walker discloses the operation of providing for communicating with a second client comprises providing for encrypting signals that are sent to said second client, and decrypting signals that are received from said second client [Walker, encoded, col 8 lines 33-39].

As per claim 13 Walker discloses providing for enabling said at least one second client either to read information from, or to record information to, said portable memory device if said second passkey corresponds to said first passkey [Walker, Fig 5, col 6 lines 20-30].

17. As per claim 14 Walker discloses providing for interfacing with a CORBAMED system as inherent feature of a telecommunications network [Walker Fig 2].

18. As per claim 15 Walker discloses said CORBAMED system comprises a Terminology Query Service server, a Clinical Observation Access Service server, and a Resource Access Decision server as inherent feature of a telecommunications network [Walker Fig 2].



19. As per claim 16 Walker discloses providing for said first client to read at least one trait from said portable memory element and providing for receiving said at least one trait (i.e.: patient characteristics, user record) from said first client [Walker, user database records, col 9 lines 1-5].

20. As per claim 17 Walker discloses communicating said at least one trait to said CORBAMED system and communicating data from said CORBAMED system corresponding to said at least one trait to at least one of said first client and said at least one second client [Walker, server maintains data related to account holder, col 4 lines 53-59].

21. As per claim 18 Walker discloses said at least one trait is defined in accordance with a Health Level 7 (HL7) specification [Walker, health club card, col 11 lines 46-60].

22. As per claim 19 Walker discloses storing information from either said first client or said at least one second client in at least one database operatively associated with said CORBAMED system [Walker, database, col 5 lines 18 et seq].

23. Claims 20-43 contain the similar limitations set forth in claims 1-19. Therefore claims 20-43 are rejected for the same rationale set forth in claims 1-19.

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24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

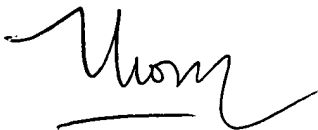
- Reed et al, USP 6,345,288 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

A handwritten signature in black ink, appearing to read 'Thong', with a horizontal line underneath.